



# DEMOCRATIC PARTY OF WISCONSIN

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February 20, 2004

Ellen Weintraub  
Chair, Federal Election Commission  
999 E Street  
Washington, D.C. 20463

MUR # 5426

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2004 MAR -9 A 10:06

Dear Chairwoman Weintraub,

I am writing to request an investigation into the campaign activities of Wisconsin State Senator Dale Schultz, an announced candidate for the United States Congress. On September 8, 2003 Schultz filed his statement of intent to run for the United States Congress. In doing so, Mr. Schultz is required by law to fund his Congressional campaign through his federal account, not his existing State Senate account.

Mr. Schultz, however, has continued to fund federal election activities out of his pre-existing State Senate account. In his year-end report, filed with the Wisconsin State Elections Board, Schultz reported expenditures in excess of \$20,000 from his State Senate account after September 8<sup>th</sup>. Notable among those expenditures include:

- 9/25/03 \$15,620.90 to the Republican Party of Wisconsin for "Polling Data/Voter Lists."
- 10/24/03 \$1,010.87 to Ben Lewis of Richland Center for "Consulting/Mileage."
- 11/03/03 \$642.89 to Dale Schultz for "Mileage and Cell Phone Expenses."
- 11/24/03 \$683.37 to Ben Lewis of Richland Center for "Mileage/Stamps/Supplies."
- 11/25/03 \$500 to Ben Lewis of Richland Center for "Consulting."
- 12/01/03 \$870.75 to Dale Schultz for "Mileage/Cell phone."
- 12/19/03 \$725 to John O'Brien for "Replacement of Computer Equipment for Campaign."
- 12/30/03 \$1,142.41 to Ben Lewis of Richland Center for "Consulting/Mileage/Phone/Camera."

Mr. Schultz's expenditures are a clear violation of the Bipartisan Campaign Reform Act, specifically 2 U.S.C. §441i(e)(1), which govern the use of non-federal money or "soft" money in federal campaigns. According to the law:

**2 U.S.C. §441i(e)(1)** states that a candidate for Federal office "shall not-- (A)... spend funds in connection with an election for Federal office ... unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act."

Mr. Schultz is clearly using his state account to fund a portion of his federal campaign. Therefore, expenditures from his state account violate the prohibition in 441i(e)(1) governing spending in connection with a federal election, including any federal election activity. Simply put, the expenditures made by Mr. Schultz's state account amount to "soft money" contributions and are illegal.

Furthermore, Mr. Schultz's State Senate seat is not up for re-election until November of 2006 so any polling data, consulting, travel or voter lists obtained three years prior to that election must be questioned. The fact is that Mr. Schultz is running a campaign for federal office and these expenditures directly benefit that campaign.

I respectfully request that you conduct a full investigation into this matter. Specifically I would like you to:

1. Determine if the polling, voter lists, consulting, mailings, mileage and cell phone calls obtained or made by Mr. Schultz constitute a federal campaign activity.
2. Determine if Mr. Schultz's decision to pay for the commercials from his state account is a violation of federal campaign finance rules.
3. Determine if Mr. Schultz should be sanctioned or fined by the Federal Elections Commission for this activity.
4. Refer any potential criminal violations of the Act to the Department of Justice for their review and prosecution.

Thank you for your consideration of this matter. I anxiously await the outcome of your investigation.

Sincerely,

*Seth Boffeli*

Seth Boffeli  
Communications Director  
Democratic Party of Wisconsin  
222 W. Washington Ave, Suite 150  
Madison, WI 53703

Signed and sworn to before me... 2/20/04 By Seth Boffeli

my commission expires 8-17-07

By *[Signature]*

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# Friends and Neighbors of Dale Schultz

## Gross Expenditures

SCHEDULE 2-A

INVOICE #	DATE	NAME	ADDRESS	CITY	ST	ZIP	PURPOSE	PRINCIPAL AMOUNT	ELECTION AMOUNT
	07/12/03	Hynek Printing	125 N. Congress St.	Richland Center	WI	53581	Printing	\$750.42	
	07/28/03	Ben Lewis	31948 Lost Hollow	Richland Center	WI	53581	Consulting	\$1,000.00	
	08/20/03	US Post Office	PO Box 9998	Hillpoint	WI	53937	Bulk Mailing Permit	\$150.00	
	08/25/03	Ben Lewis	31948 Lost Hollow	Richland Center	WI	53581	Consulting/Mileage	\$1,357.44	
	09/02/03	Dale Schultz	515 N. Central Av.	Richland Center	WI	53581	Mileage/Cell Phone/Fundraiser Food	\$921.16	
	09/04/03	John O'Brien	26570 Fiddlers Green	Richland Center	WI	53581	Postage	\$29.02	
	09/04/03	US Post Office	213 N. Central Ave.	Richland Center	WI	53581	Postage	\$7.40	
	09/09/03	Nova Video	175 E. Mill St.	Richland Center	WI	53581	Advertising	\$225.00	
	09/25/03	Republican Party of Wisconsin	PO Box 31	Madison	WI	53701	Polling Data/Voter List	\$15,620.90	
	10/20/03	WRCO	2111 Bohman Dr.	Richland Center	WI	53581	Advertising	\$360.00	
	10/24/03	Ben Lewis	31948 Lost Hollow	Richland Center	WI	53581	Consulting/Mileage	\$1,010.87	
	10/27/03	State Elections Board	132 E. Wilson St.	Madison	WI	53702	Fine	\$125.00	
	11/03/03	Dale Schultz	515 N. Central Av.	Richland Center	WI	53581	Mileage and Cell Phone Expense	\$642.89	
	11/22/03	Dale Schultz	515 N. Central Av.	Richland Center	WI	53581	Pheasants for Fundraiser	\$400.00	
	11/24/03	Ben Lewis	31948 Lost Hollow	Richland Center	WI	53581	Mileage/Stamps/Supplies	\$638.37	
	11/25/03	Ben Lewis	31948 Lost Hollow	Richland Center	WI	53581	Consulting	\$500.00	
	12/01/03	Dale Schultz	515 N. Central Av.	Richland Center	WI	53581	Mileage/Cell phone	\$870.75	
	12/19/03	State of Wisconsin	PO Box 7882	Madison	WI	53713	American Flags	\$270.25	

[illegible]